

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

DANIEL PAUL SKIPPER, Register No. 328366,)	
)	
Plaintiff,)	
)	
v.)	No. 09-4004-CV-C-SOW
)	
JEFFERSON CITY CORRECTIONAL)	
CENTER, et al.,)	
)	
Defendants.)	

ORDER

On March 16, 2009, United States Magistrate Judge William A. Knox recommended that plaintiff's claims in his amended complaint regarding urine samples and alternative testing, and claims in his March 9, 2009 motion regarding a wheelchair pusher, be dismissed on res judicata grounds, pursuant to 28 U.S.C. § 1915A, for failure to state a claim for which relief can be granted. Judge Knox further recommended that plaintiff's motions for preliminary injunctive relief regarding ETS be denied. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on March 30, 2009. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

On March 17, 2009, plaintiff filed a motion to enter evidence. The motion is denied. The evidence does not support plaintiff's claims on which he has been granted leave to proceed and/or relate to issues that have occurred since the filing of his original complaint. Plaintiff need not file

evidence in support of his claims unless he is filing it in support of a motion he is filing or in response to a motion of defendants or an order of this court.

In light of this order dismissing claims previously litigated by plaintiff, his motion of June 2, 2009, is moot.

IT IS, THEREFORE, ORDERED that plaintiff's "Motion to Enter New Claim" is moot. [36]
It is further

ORDERED that plaintiff's "Motion for Entering Evidence" is denied. [18] It is further

ORDERED that the Report and Recommendation of March 16, 2009, is adopted. [17] It is further

ORDERED that plaintiff's claims in his amended complaint regarding urine samples and alternative testing, and claims in his March 9, 2009 motion regarding a wheelchair pusher, are dismissed on res judicata grounds, pursuant to 28 U.S.C. § 1915A, for failure to state a claim for which relief can be granted. [16] It is further

ORDERED that plaintiff's motions for preliminary injunctive relief regarding ETS are denied. [7, 16]

/s/ Scott O. Wright

SCOTT O. WRIGHT

Senior United States District Judge

DATED: July 10, 2009
Kansas City, Missouri